UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
	X	
ELIAS D. BAUTISTA,	:	
71.1.100	:	
Plaintiff,	:	
	:	20-CV-9390 (JMF)
-V-	:	
	:	REMAND ORDER
BRENDA SUE DONLIN et al.,	:	
	:	
Defendants.	:	
	:	
	X	

JESSE M. FURMAN, United States District Judge:

This case was removed from the Supreme Court of New York, Bronx County, on November 10, 2020. ECF No. 2. On November 6, 2020, the Court ordered Defendants to show cause why the case should not be remanded because the Notice of Removal and Complaint included only the bare allegation that the amount in controversy exceeds \$75,000, and that the amount in controversy exceeds the jurisdictional limits of New York State's lower courts and there is reason to believe that those allegations do not suffice for removal. *See* ECF No. 6. Defendants Susan Mendoza and A.C. Morgan responded on December 1, 2020, explaining that they "are at a disadvantage with regard to this issue [the amount in controversy] since plaintiff maintains information regarding his injuries." ECF No. 9.

On December 7, 2020, Plaintiff filed a letter with the Court, (subsequently filed in redacted form at ECF No. 13), with sworn affidavits attached, indicating that there is not complete diversity in this case because both Plaintiff and Defendant Cristian A. Abreu are residents of New York. *See* ECF No. 10. On December 8, 2020, the Court ordered Defendants Mendoza and Morgan to show cause why the case should not be remanded in light of the new

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information about Defendant Abreu's citizenship no later than December 14, 2020, and warned

that "[i]f Defendants fail to show cause or do not file anything by the deadline, the Court will

remand the case for lack of subject-matter jurisdiction without further notice to the parties."

ECF No. 11. To date, Defendants Mendoza and Morgan have failed to respond to the order to

show cause. Because Defendants have failed to demonstrate subject-matter jurisdiction, this case

must be remanded back to state court.

The Clerk of Court is directed to REMAND the case to the Supreme Court of New York,

Bronx County, and to close the case in this Court. All pending motions are moot and all

conferences are cancelled.

Defendants Morgan and Mendoza shall promptly serve a copy of this Order on

Defendants Abreu and Brenda Sue Donlin.

SO ORDERED.

Dated: December 15, 2020

New York, New York

United States District Judge

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